

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RAFAEL A. JONES, SR.,)	
)	
Plaintiff,)	
)	
v.)	No. 4:10-CV-2049-TCM
)	
BRENDA SHORT, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion to proceed in forma pauperis [Doc. #2]. Plaintiff, a prisoner, has filed at least three previous cases that were dismissed as frivolous, malicious, or for failure to state a claim.¹ Under 28 U.S.C. § 1915(g), therefore, the Court may not grant the motion unless plaintiff "is under imminent danger of serious physical injury."

After reviewing the complaint, the Court finds no allegations that would show that plaintiff is in imminent danger of serious physical injury. As a result, the Court will deny the motion and will dismiss this action without prejudice to refiling as a fully paid complaint.

¹See Jones v. Brayer, Case No. 4:07-CV-1704 RWS (E.D. Mo.); Jones v. Brayer, Case No. 4:07-CV-1723 ERW (E.D. Mo.); Jones v. Isom, Case No. 4:08-CV-1584 TIA (E.D. Mo.)

Additionally, plaintiff has improperly named the United States of America and the Internal Revenue Service as plaintiffs. The Court will direct the Clerk to strike these entities from this action.

Accordingly,


IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [Doc. #2] is **denied**.

IT IS FURTHER ORDERED that the Clerk shall **strike** the United States of America and the Internal Revenue Service from this action.

IT IS FURTHER ORDERED that this action is **dismissed**, without prejudice, pursuant to 28 U.S.C. § 1915(g).

An Order of Dismissal shall accompany this Memorandum and Order.

Dated this 8th day of November, 2010.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE